

1 JAMES E. TORGERSON (Alaska Bar No. 8509120)
2 MATTHEW COHEN (Washington Bar No. 11232)
3 HELLER EHRLMAN LLP
4 510 L Street, Suite 500
5 Anchorage, AK 99501-1959
Telephone: (907) 277-1900
Facsimile: (907) 277-1920
jim.torgerson@hellerehrman.com
matt.cohen@hellerehrman.com

7 Attorneys for Intervenor
NANA REGIONAL CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

2 ENOCH ADAMS, JR., LEROY ADAMS,
3 ANDREW KOENIG, JERRY NORTON,
DAVID SWAN and JOSEPH SWAN.

Plaintiffs.

V.

TECK COMINCO ALASKA INCORPORATED.

Defendant,

NANA REGIONAL CORPORATION, and
NORTHWEST ARCTIC BOROUGH.

Intervenor-Defendants.

Case No.: A04-cv-00049-JWS

**[PROPOSED] ORDER GRANTING
MOTION TO STRIKE
PLAINTIFFS' NEW EXPERT
REPORTS**

The Court has reviewed Teck Cominco Alaska Incorporated's and NANA Regional Corporation's Motion to Strike Plaintiffs' New Expert Reports, and the opposition and reply thereto.

Because Plaintiffs' New Expert Reports violate the Court's Order allowing reports to be updated "to take into account any effects resulting from the passage of time," the Motion to Strike Plaintiffs' New Expert Reports is **GRANTED** as follows:

[PROPOSED] ORDER GRANTING MOTION TO STRIKE PLAINTIFFS' NEW EXPERT REPORTS; ADAMS, ET AL. V. TECK COMINCO ALASKA INCORPORATED, ET AL.;
CASE NO.: A04-0049 CIVIL (JWS)
PAGE 1 OF 3

1. Dr. Moran's new report is struck, except for those portions highlighted on the pages in Exhibit B to the Motion;
2. Mr. Fucik's new report is struck, except for those portions highlighted on the pages in Exhibit C to the Motion;
3. Mr. Fischer's new report is struck, except for those portions highlighted on the pages in Exhibit D to the Motion;
4. Dr. Kavanaugh's new report, attached as Exhibit E to the Motion, is struck in its entirety; and
5. Dr. Moran, Mr. Fucik, and Dr. Kavanaugh will not be permitted to testify at trial in any event unless they promptly comply with all of the Rule 26(a)(2)(B) disclosure requirements.

**JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE**

CERTIFICATE OF SERVICE

This is to certify that on the 29th day of January, 2008, a true and correct copy of the foregoing [PROPOSED] ORDER GRANTING MOTION TO STRIKE PLAINTIFFS' NEW EXPERT REPORTS was served, via electronic service, on the below identified parties of record:

Luke W. Cole
Center on Race, Poverty & the Environment
47 Kerna Street, Suite 804
San Francisco, CA 94108
luke@igc.org

Counsel for Plaintiffs
Served via:
 Facsimile Regular U. S. Mail
 Hand Delivery Electronic transmission

Nancy S. Wainwright
Law Offices of Nancy S. Wainwright
13030 Back Road, Suite 555
Anchorage, AK 99515-3538
nsw@alaska.com

Counsel for Plaintiffs
Served via:
 Facsimile Regular U. S. Mail
 Hand Delivery Electronic transmission

1 Sean Halloran
Hartig Rhodes Hoge & Lekisch, P.C.
2 717 K Street
Anchorage, AK 99501
3 sean.halloran@hartig.com

Counsel for Defendant Teck Cominco
Served via:
 Facsimile Regular U. S. Mail
 Hand Delivery Electronic transmission

4 David S. Case
Landye Bennett Blumstein LLP
5 701 West 8th Avenue, Suite 1200
Anchorage, AK 99501
6 dcase@lbblawyers.com

Counsel for Intervenor-Defendant Northwest Arctic
Borough
Served via:
 Facsimile Regular U. S. Mail
 Hand Delivery Electronic transmission

7 */S/ James E. Torgerson*
8 JAMES E. TORGERSON (BAR NO. 8509120)
MATTHEW COHEN (BAR NO. 11232)
9 HELLER EHRLMAN LLP
10 510 L Street, Suite 500
Anchorage, AK 99501
11 Telephone: 907-277-1900
Facsimile: 907-277-1920
12 james.torgerson@hellerehrman.com
matthew.cohen@hellerehrman.com

13
14 SE 2240192 v1
1/29/08 5:03 PM (38576.0002)

Heller Ehrman LLP
510 L STREET, SUITE 500
ANCHORAGE, AK 99501-1959
TELEPHONE (907) 277-1900